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Meeting of States Parties

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Letter dated 23 April 2007 from the Chairman of the Commission on the Limits of the Continental Shelf addressed to the President of the seventeenth Meeting of States Parties

1. It is my honour to address the Meeting of States Parties to the United Nations Convention on the Law of the Sea once again in my capacity as Chairman of the Commission on the Limits of the Continental Shelf, and to inform you about developments in the work of the Commission that have taken place since I addressed the sixteenth Meeting, in June 2006.

2. It may be recalled that article 76 of the Convention sets out the definition and the various methods for a coastal State to establish the outer limits of its continental shelf, including beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

3. In this connection, it may also be recalled that the Commission was established to perform two specific functions, as set out in article 3 (1) of annex II to the Convention:

(a) To consider the data and other material submitted by coastal States concerning the outer limits of the continental shelf in areas where those limits extend beyond 200 nautical miles, and to make recommendations in accordance with article 76 and the Statement of Understanding adopted on 29 August 1980 by the Third United Nations Conference on the Law of the Sea;

(b) To provide scientific and technical advice, if requested by the coastal State concerned, during the preparation of the data referred to in subparagraph (a).

4. Since the sixteenth Meeting of States Parties, in June 2006, the Commission has held its eighteenth and nineteenth sessions.

Eighteenth session

5. The eighteenth session was convened from 21 August to 15 September 2006. An account of the progress of work in the Commission at that session is contained in the statement of the Chairman (CLCS/52). At that session the Commission continued the consideration of the submissions made by Brazil, Australia and Ireland through the respective subcommissions established for their consideration.

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In addition, the Commission had received two new submissions, namely that of New Zealand, on 19 April 2006, and a joint partial submission made by France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland, on 19 May 2006. The Commission began consideration of these submissions, and two new subcommissions were established for that purpose. Thus, at that session, five subcommissions were at work simultaneously and held numerous meetings with the respective delegations. The resources of the Division for Ocean Affairs and the Law of the Sea (hereinafter "the Division"), both in terms of technical and other facilities, as well as the specialized staff dealing with the work of the Commission were severely overstretched.

6. In view of the workload faced by the Commission and by the pre-existing subcommissions at this session, both new subcommissions, after a preliminary examination of the two submissions, and a number of meetings with the respective delegations, decided to continue their work intersessionally. The resumed eighteenth session was held on the premises of the Division from 13 to 17 November 2006 and from 22 January to 2 February 2007 by the Subcommissions established to examine the submissions made, respectively, by New Zealand and by France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland.

7. On 7 September 2006, at a plenary meeting of the Commission, the Chairman of the Subcommission established to examine the submission of Ireland, made a presentation introducing the recommendations of the Commission in regard to the partial submission made by Ireland.

8. The presentation by the Chairman of the Subcommission was followed by a question-and-answer session, during which the Chairman and the members of the Subcommission provided clarifications on certain aspects of the recommendations. The Commission then decided to defer further consideration of the recommendations to the nineteenth session in order to allow all members of the Commission to study both the submission and the analysis by the Subcommission in more detail. It was also agreed that all the supporting material would be available to all members of the Commission during the intersessional period through the established and secure means of communication.

9. Another important matter that was considered at that session relates to the discussions regarding the work of the Commission which took place at the sixteenth Meeting of States Parties. Particular attention was paid to paragraph 4 of its "Decision on issues related to the proposals by the Commission on the Limits of the Continental Shelf" (SPLOS/144). The Commission deliberated extensively on the matter, especially with reference to paragraph 71 of the report of the sixteenth Meeting of States Parties (SPLOS/148), containing a list of suggested options, other than financing the Commission from the regular budget of the United Nations, that the Meeting suggested as worth exploring. The members of the Commission noted that a number of those options had already been discussed within the Commission during sessions prior to the sixteenth Meeting of States Parties, and that some of them had already been implemented such as, for example, the use of advanced secure means of communication for intersessional work. It was emphasized, however, that the most productive interaction and work takes place during the sessions of the Commission and in the meetings of the subcommissions. In the light of that fact, the Commission then focused its attention on options that were related to the length and frequency of sessions and meetings, scheduling/queuing of the

consideration of submissions and the possibility of setting time limits for the consideration of individual submissions.

10. Considering the difficulties experienced in handling five submissions simultaneously during the eighteenth session, the Commission, following an extensive discussion, adopted by consensus the following decision:

> "In view of the increasing number of submissions and in order to organize its work in the most efficient way, the Commission decided that the following rules will apply to the submissions received after the end of the eighteenth session of the Commission:
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> 1. Only three subcommissions shall function simultaneously while considering submissions.
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> 2. The submissions shall be queued in the order they are received.
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> 3. The submission next in line shall be taken for consideration by a subcommission only after one of the three working subcommissions presents its recommendations to the Commission."

11. It was agreed that the above decision represented a temporary and partial measure, and was subject to review if circumstances, including the availability of additional funding and related resources in order to increase the length and frequency of sessions, so warranted.

12. Furthermore, besides the two intersessional periods of the resumed eighteenth session already mentioned, the Commission requested four additional days for the plenary part of its nineteenth session in 2007 with full interpretation and conference facilities, bearing in mind that these four days have financial implications.

Nineteenth session

13. The Commission held its nineteenth session at United Nations Headquarters from 5 March to 13 April 2007, pursuant to the decision taken at its eighteenth session (CLCS/52, para. 53) and paragraph 45 of General Assembly resolution 61/222. The plenary part of the session was held from 26 March to 5 April, while the periods from 5 to 23 March and 9 to 13 April were used for the technical examination of submissions at the Geographic Information System (GIS) laboratories and other technical facilities of the Division. An account of the progress of work in the Commission at that session is contained in the statement of the Chairman (CLCS/54).

14. At that session the Commission continued the consideration of the submissions made by Brazil, Australia, New Zealand, as well as the joint partial submission made by France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland, through the respective subcommissions established for their consideration. In addition, the Commission had received one new submission, namely that of Norway. The Commission began consideration of this additional submission and established a new subcommission for this purpose. Thus, for the second consecutive session, five subcommissions were at work simultaneously and held numerous meetings with the respective delegations. Once again, the facilities and staff of the Division were overstretched.

15. The Subcommission established for the examination of the submission made by Norway completed its preliminary examination of the submission, in accordance with the rules of procedure and held a number of meetings with the delegation of Norway. The Subcommission also had the benefit of receiving training in the use of the Geocap software utilized in the preparation of the submission. Further examination of the submission will take place during the twentieth session of the Commission.

16. The Subcommissions established for the consideration of the submissions made by Brazil and Australia, respectively, were able to complete their recommendations and present them to the Commission for consideration and adoption. The Commission noted that considerable time would have to be allowed for the review of these recommendations, as well as those prepared by the Subcommission established for the consideration of the partial submission made by Ireland, by all the members of the Commission, including the review of data in the GIS labs.

17. On Tuesday, 27 March 2007, the Subcommission established for the consideration of the submission made by Brazil submitted the recommendations it had prepared to the Commission and introduced them by delivering a series of presentations focusing on the four geographical regions, which were made by four members of the Subcommission.

18. At the request of the delegation of Brazil, a meeting between the delegation and the Commission took place on 27 March 2007. The meeting was in accordance with the amended rules of procedure, which provide that after the subcommission presents its recommendations to the Commission, and before the Commission considers and adopts the recommendations, the coastal State may give a presentation on any matter related to its submission at the plenary meeting of the Commission, if it so chooses. Further, as provided for in the amended rules, the coastal State may be allowed up to half a day for the presentation. The rules also provide that the coastal State and the Commission shall not engage in discussion on the submission or its recommendations at that meeting.

19. The Commission then proceeded with the consideration of the recommendations prepared by the Subcommission. After a very thorough examination of these recommendations and of relevant parts of the submission, several amendments were proposed and the Commission decided to incorporate some of them into the text of the recommendations. Thereafter, the Commission adopted the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the Submission Made by Brazil on 17 May 2004 on Information on the Proposed Outer Limits of its Continental Shelf beyond 200 Nautical Miles" by a vote. Fifteen members voted in favour, two against, with no abstentions.

20. On Wednesday, 28 March 2007, the Subcommission established for the consideration of the submission made by Australia submitted the recommendations it had prepared to the Commission and Harald Brekke, Chairman of the Subcommission, introduced them by delivering a series of presentations focusing on the nine regions in which the submission is divided.

21. At the request of the delegation of Australia, a meeting between the delegation and the Commission took place on 28 March 2007 in accordance with the amended rules of procedure mentioned in paragraph 18 above.

22. The Commission then proceeded with the consideration of the recommendations prepared by the Subcommission. After a very thorough and lengthy discussion of the recommendations, it was decided that their adoption would be deferred to the twentieth session of the Commission, in order to provide its members with further time to examine them.

23. The Commission then proceeded to adopt the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the Partial Submission Made by Ireland on 25 May 2005 of the Proposed Outer Limit of its Continental Shelf beyond 200 Nautical Miles in the Area Abutting the Porcupine Abyssal Plain" by a vote. Fourteen members voted in favour, two against, with two abstentions.

24. During this session, the Subcommissions established to consider the submissions made by New Zealand and the joint submission of France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland continued the examination of the respective submissions and met with the respective delegations. The Subcommission established for the examination of the joint submission informed the Commission at the plenary meeting that the delegations had submitted additional material on 23 March 2007, as requested by the Subcommission, and that the Subcommission would examine the additional material and thereafter a drafting group would work on the finalization of the recommendations prepared by the Subcommission.

25. In accordance with the decision taken at its eighteenth session (CLCS/52, para. 38), the Commission continued its discussion of matters related to the workload of the Commission, taking into account the decision at the sixteenth Meeting of States Parties (SPLOS/144, para. 4).

26. I wish to recall that I had drawn the attention of the Meeting of States Parties at its fifteenth Meeting, in June 2005, to the increasing workload of the Commission as well as the increasing number of submissions in the coming years. A crucial phase has already been reached. It may be seen that at the last two sessions the Commission had five subcommissions at work simultaneously. This situation is likely to further deteriorate in view of the 2009 deadline for the majority of coastal States. Considering the important and critical nature of this issue for the successful performance of the functions of the Commission, the Commission requested me to prepare a separate and more detailed presentation which will address the matter of the workload as well as certain proposals made at the sixteenth Meeting of States Parties. With your permission and if time allows, I can make that presentation to the Meeting of States Parties immediately following my statement.

27. The Commission also decided to reintroduce at the seventeenth Meeting of States Parties its proposal that the members of the Commission receive emoluments and expenses while they are performing Commission duties concerning the consideration of submissions made by coastal States on the outer limits of the continental shelf under article 76, and that such emoluments and expenses be defrayed through the regular budget of the United Nations. That proposal was originally contained in the "Draft decision for consideration by the sixteenth Meeting of States Parties" (SPLOS/140, annex). The Commission also requested the Secretariat to provide the necessary information on the programme budget implications of such a decision.

28. The Commission would like once again to assure the States parties of its readiness to continue to perform its mandated functions with a view to ensuring that the vision of the drafters of the Convention regarding the role of the Commission in the establishment of the outer limits of the extended continental shelf is fulfilled.

I would like to request that the present letter be circulated as a document of the seventeenth Meeting of States Parties.

Peter F. **Croker**
Chairman of the Commission on the Limits of the Continental Shelf